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JASON EVERETT THOMPSON

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:

DEAN GREGORY ASIMOS,

Debtor.

Case No.: 11-13214-AJ

Chapter 7

Adv. Case No. 14-01018

**STIPULATED MOTION TO FURTHER
CONTINUE TRIAL DATE**

JASON EVERETT THOMPSON,

Plaintiff,

v.

DEAN GREGORY ASIMOS,

Defendant.

Judge: Hon. Alan Jaroslovsky

WHEREAS, on August 20, 2014, the Court entered the Scheduling Conference Order and Notice of Trial, which set February 18, 2015 as the initial trial date for this adversary proceeding [A.P. Dkt. No. 17];

WHEREAS, on January 16, 2015, the Court entered the Order Granting Stipulated Motion To Continue Trial Date, which set November 18, 2015 as the trial date for this

1 adversary proceeding and October 16, 2015 as the deadline for all depositions and other
2 discovery [A.P. Dkt. No. 21];

3 WHEREAS, on September 9, 2015, the Court entered the Order Granting Stipulated
4 Motion To Further Continue Trial Date, which set May 18, 2016 as the trial date for this
5 adversary proceeding and April 18, 2016 as the deadline for all depositions and other discovery
6 [A.P. Dkt. No. 23];
7

8 WHEREAS, on February 18, 2016, the Court entered the Order Granting Stipulated
9 Motion To Further Continue Trial Date, which set November 16, 2016 as the trial date for this
10 adversary proceeding and October 17, 2016 as the deadline for all depositions and other
11 discovery [A.P. Dkt. No. 25];
12

13 WHEREAS, on September 26, 2016, the Court entered the Order Granting Stipulated
14 Motion To Further Continue Trial Date, which set May 17, 2017 as the trial date (the “Trial
15 Date”) for this adversary proceeding and April 17, 2017 as the deadline for all depositions and
16 other discovery (the “Discovery Deadline”) [A.P. Dkt. No. 27];
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18 WHEREAS, the Order Granting Stipulated Motion To Further Continue Trial Date was
19 entered as a result of debtor Dean Gregory Asimos’ appeal in the California Court of Appeal,
20 First Appellate District (Court of Appeal Case No. A140096) (the “First Appeal”) remaining
21 unresolved;
22

23 WHEREAS, the debtor Dean Gregory Asimos filed a second appeal in the California
24 Court of Appeal, First Appellate District (Court of Appeal Case No. A147960) (the “Second
25 Appeal”) arising out of the same trial court action, wherein he has appealed the Order Granting
26 Motion For Attorneys’ Fees And Costs Following Judgment Of Contempt, entered by the San
27 Francisco Superior Court (Case No. CGC-11-514980) on February 4, 2016;
28

WHEREAS, on December 15, 2016, the California Court of Appeal filed its decision in

1 the First Appeal, which, among other things, remanded the case to the trial court for a further
2 determination on damages;

3 WHEREAS, on February 22, 2017, the California Court of Appeal issued its remittitur
4 in the First Appeal and the decision of the Court became final, thereby restoring the trial court's
5 jurisdiction over the matter such that it shall, on remand, render a further determination on
6 damages as well as hear further motions filed by the parties in connection therewith;

7
8 WHEREAS, on February 28, 2017, debtor Dean Gregory Asimos filed his Appellant's
9 Opening Brief in the Second Appeal, with the briefing process in the California Court of Appeal
10 to continue in the coming months and the scheduling of a hearing on the appeal to follow
11 thereafter;

12
13 WHEREAS, plaintiff Jason Everett Thompson's adversary complaint seeks a
14 determination of nondischargeability of certain debts included in the Superior Court judgment,
15 in whole or in part, under 11 U.S.C. § 523(a)(6), which remains subject to debtor Dean Gregory
16 Asimos' appeal and the damages determination to be made on remand, thus rendering the
17 decisions of the Court of Appeal and the trial court essential to determining whether there is any
18 potentially dischargeable debt involved in this adversary proceeding;

19
20 WHEREAS, proceeding to trial prior to resolution of the matters before the California
21 Court of Appeal and the Superior Court would produce potentially duplicious and unnecessary
22 litigation, thereby wasting judicial resources;

23
24 NOW THEREFORE, the undersigned parties hereby stipulate to the foregoing recitals
25 and respectfully request that the Trial Date and related discovery and briefing deadlines be
26 further continued until February 2018 in order to allow additional time for the trial court to
27 render its damages determination on remand of the First Appeal as well as briefing to be
28 completed and a decision to be rendered by the California Court of Appeal in the Second

1 Appeal.

2
3 DATED: March 8, 2017

4 KYLE LAW CORPORATION

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6
7 By /s/ Andrew Winetroub
Stephan E. Kyle, Esq.
8 Andrew H. Winetroub, Esq.
9 Attorneys for Jason Everett Thompson

10 DATED: March 8, 2017

11 SAGARIA LAW, P.C.

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13
14 By /s/ Joe Angelo
15 Joseph Angelo, Esq.
16 Attorneys for Dean Gregory Asimos

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